

## Employer Posting Requirements Under New Jersey Law

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With the start of 2012, New Jersey employers may find it useful to review the notification requirements relating to employees' workplace rights and responsibilities under state law. This *Act Now* Advisory serves as a reminder and summary of New Jersey's notification requirements applicable to most employers.

Employers are mandated under New Jersey law to display official posters informing employees of the law relating to their rights and responsibilities. An employer that fails to comply with these requirements may face monetary fines and other penalties. Generally, to comply with these regulations, an employer must post the most recent version of the posters in locations visible to all employees and applicants for employment. Employers should display these notices in areas accessible to all employees, such as a lunchroom, break-room, or human resources office. New Jersey also requires that certain notices be distributed to employees.

The New Jersey Department of Labor and Workforce Development ("NJDOLE") provides employers with poster packets containing the required notices, which are available for downloading at: <http://lwd.dol.state.nj.us/labor/employer/content/employerpacketforms.html>.

The New Jersey Department of Health and Senior Services provides notices compliant with the New Jersey Smoke-Free Air Act, which are available for downloading at: <http://www.nj.gov/health/ctcp/smokefree/nosmoking.shtml>.

Note that, although some of the regulations specify that the notices be on legal size paper (8½ x 14 inches), the posters from the state's website print-out are letter size (8½ x 11) and are considered compliant. In addition, a New Jersey "all-in-one" poster may be purchased from a reputable supplier.

Posters required by the New Jersey Division on Civil Rights are available for download at: <http://www.nj.gov/oag/dcr/posters.html>.

Posters must be displayed in locations that are accessible and easily visible to all employees. In addition, for some laws, notice must be posted in both English and Spanish.

New Jersey requires the following posters:

<b>Statute</b>	<b>Description/Specifications</b>
<b>Conscientious Employee Protection Act (“CEPA”)</b>	Advises employees of their rights under New Jersey’s “Whistleblower” Act. In addition to posting, the notice must be distributed annually to all employees. (English and Spanish)
<b>Law Against Discrimination (“LAD”)</b>	Advises employees of their rights under the LAD. Although not required, many employers distribute their company’s nondiscrimination and anti-harassment policy to employees annually and/or at anti-harassment training sessions.
<b>New Jersey Family Insurance Law</b>	In addition to posting, employers must provide employees with a written copy of the notification: (i) at the time of the employee’s hiring; (ii) whenever an employee provides notice of a potential claim; and (iii) upon the first request of the employee. Written notification may be electronically transmitted to employees.
<b>New Jersey Family Leave Act</b>	Employers covered under the law, whether or not they have any eligible employees, must display the official Family Leave Act poster.
<b>New Jersey Wage Payment</b>	Posters advise employees of the law relating to the payment of wages, minimum hourly rates, overtime rates, acceptable deductions from wages, and employee rights and employer penalties under the law.
<b>New Jersey Wage, Benefit, and Tax Laws*</b>	Advises employees of reporting and recordkeeping requirements of eight existing statutes. Additionally, employers must provide all employees with a written copy of the notification and a copy to each new employee at the time of hiring.
<b>Unemployment and Temporary Disability Benefits</b>	Employers covered by the law must advise of benefits available to qualifying employees under disability insurance and unemployment compensation. (English and Spanish)
<b>Workers’ Compensation Law</b>	Employers are required to advise employees of benefits available to workers injured on the job and information on the procedure for filing workers’ compensation claims. (English and Spanish)
<b>Smoke-Free Work Place Notice</b>	A person (including a business) that has control over an indoor public or work space must prominently post a sign at every entrance stating that smoking is prohibited. The lettering or nonsmoking symbol must be in a contrasting color from the sign’s background, and the sign must advise that violators will be subject to a fine.
<b>New Jersey Child Labor Laws</b>	Employers that employ individuals under the age of 18 must post a printed abstract of the New Jersey Child Labor Laws and prohibited occupations as well as a schedule of hours posted in a conspicuous area advising of the: (i) names of minors under 18; (ii) schedule of hours; (iii) maximum daily and weekly hours; (iv) daily time record; and (v) daily meal times.
<b>New Jersey Right-to-Know Law</b>	Affects employers whose workers may be exposed to hazardous chemicals. The law’s posting requirement applies to public employers only. Private, as well as public employers, however, must label containers with their chemical contents and complete an annual chemical inventory survey.

\*New posting requirement as of November 2011. See Epstein Becker Green’s *Act Now* Advisory at: <http://www.ebqlaw.com/showclientadvisory.aspx?Show=15142>.

New Jersey also has posting requirements aimed at specific sectors of the labor force. For example, New Jersey employers associated with the sale, rental, or lease of properties are required to advise of the LAD in housing. Employers that provide services to the public, including, but not limited to, restaurants, hotels, hospitals, movie theaters, and shopping centers must advise patrons of the LAD in public accommodations. These employers should display posters in areas readily accessible to the public (for example, near cash registers). Health care facilities must post notices apprising employees of mandatory overtime restrictions.

Employers are advised to check the NJDOL's website at least annually for any new, or changes to, required notices, as out-of-date notices are noncompliant and can also subject employers to fines.

Employers should also remember the need to similarly comply with posting requirements under federal law, which most employers can accomplish by purchasing an "all-in-one" poster from a reputable supplier or by downloading posters from: <http://www.dol.gov/oasam/programs/osdbu/sbrefa/poster/matrix.htm>.

### **What Employers Should Do Now**

- Review all posting requirements applicable to your company.
- Update the company's postings to ensure compliance with both federal and state law.
- Review the company's new hire materials to ensure that they include the required notices.
- Distribute the annual CEPA notice to all employees.

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